

Senate Bill No. 237

CHAPTER 151

An act to amend Sections 33352, 33353, 33354, and 35179 of the Education Code, relating to interscholastic athletics.

[Approved by Governor July 11, 1996. Filed with
Secretary of State July 12, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 237, Lewis. California Interscholastic Federation.

Existing law requires the State Department of Education (department) to exercise general supervision over the course of physical education in elementary and secondary schools of the state, as specified. Existing law describes the California Interscholastic Federation (CIF) as a voluntary organization consisting of school and school-related personnel with the responsibility for administering interscholastic athletic activities in secondary schools and sets forth legislative intent that the CIF, in consultation with the department, implement certain policies. Existing law further sets forth the authority of the department over interscholastic activities. All these provisions of existing law become inoperative on July 1, 1997, and as January 1, 1998, are repealed.

This bill would instead make those provisions inoperative on January 1, 2001, and would repeal those provisions as of January 1, 2001, and would make conforming changes to related provisions of law. The bill would require the department to work with the CIF and other interested organizations to review issues surrounding the current definition of interscholastic athletics and a specified proposal and to report to the Legislature by January 1, 1997, as to whether statutory amendments regarding that definition are necessary.

This bill would also require the CIF to make reports to the Legislature on or before January 1, 1999, on interscholastic athletics, as specified.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The California Interscholastic Federation (CIF) is a voluntary organization that was first organized in 1914. It consists of school personnel that has had general responsibility for administering interscholastic athletic activities in high school sports and is accountable to governing boards of school districts and other local agencies.

(2) The CIF is associated with over 1,200 member schools and over 400,000 girls and boys. Through participation in athletic-centered interscholastic activities, high school pupils in California develop values, attitudes, and skills for personal growth.

(3) The mission of the CIF is to fulfill its commitment to educating California's youth for a better tomorrow and to work in partnership with the entire community to assure equity and provide services, opportunities, and leadership necessary to establish and maintain quality high school athletic programs.

(4) The CIF is governed by state and federal statutes regarding athletics and complies with State Board of Education guidelines regarding discrimination and gender equity. In addition, the CIF is governed by its own constitution and corresponding bylaws that are developed and approved by a 30-member federated council representing all facets of the education community.

(5) In 1994, the CIF completed a statewide strategic plan to examine policies and practices. Issues addressing governance, management, and equity were some of the areas reviewed and as a result, several recommendations were made and have been implemented. In January 1996, this report will be presented to the Legislature.

(6) Various provisions in the Education Code governing the CIF are due to expire in 1997. Extension of those provisions is necessary in the 1995-96 Regular Session of the Legislature to ensure program continuity.

(b) The State Department of Education shall work with the California Interscholastic Federation and other interested organizations to review the issues surrounding the current definition of interscholastic athletics and the proposal submitted to the State Department of Education by the California Association of Health, Physical Education, Recreation and Dance. The State Department of Education shall report to the Legislature by January 1, 1997, as to whether statutory amendments regarding the current definition of interscholastic athletics are necessary.

(c) This act shall be known and may be cited as the California Interscholastic Athletic Act of 1996.

SEC. 2. Section 33352 of the Education Code, as amended by Section 2 of Chapter 487 of the Statutes of 1993, is amended to read:

33352. (a) The State Department of Education shall exercise general supervision over the courses of physical education in elementary and secondary schools of the state; advise school officials, school boards, and teachers in matters of physical education; and investigate the work in physical education in the public schools.

(b) This section shall become inoperative on January 1, 2001, and, as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 33353 of the Education Code is amended to read:

33353. (a) The California Interscholastic Federation is a voluntary organization consisting of school and school related personnel with responsibility, generally, for administering interscholastic athletic activities in secondary schools. It is the intent of the Legislature that the California Interscholastic Federation, in consultation with the State Department of Education, implement the following policies:

(1) Give the governing boards of school districts specific authority to select their athletic league representatives.

(2) Require that all league, section, and state meetings affiliated with the California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

(3) Establish a neutral final appeals body to hear complaints related to interscholastic athletic policies.

(b) The California Interscholastic Federation shall report to the Legislature on its evaluation and accountability activities undertaken pursuant to this section on or before January 1, 1999.

(c) This section shall become inoperative on January 1, 2001, and, as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 33354 of the Education Code is amended to read:

33354. (a) The State Department of Education shall have the following authority over interscholastic athletics:

(1) The department may state that the policies of school districts, of associations or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are in compliance with both state and federal law.

(2) If the department states that a school district, an association, or consortium of school districts, or the California Interscholastic Federation is not in compliance with state or federal law, the department may require the school district, association, or consortium, or the federation to adjust its policy so that it is in compliance. However, the department shall not have authority to determine the specific policy that a school district, association, or consortium, or the federation must adopt in order to comply with state and federal laws.

(3) If the department states that a school district, association, or consortium, or the federation is not in compliance with state or federal law in matters relating to interscholastic activities, and the school district, association, or consortium, or the federation does not change its policy in order to comply with these laws, the department may commence with appropriate legal proceedings against the California Interscholastic Federation, the school district or against

school districts that are members of the California Interscholastic Federation or the association or consortium that the department states is in noncompliance. In a legal proceeding the court shall determine the matter *de novo*. The department may make recommendations for appropriate remedies in these proceedings.

(b) This section shall not be construed or interpreted to limit the discretion of local governing boards, or voluntary associations formed or maintained pursuant to subdivision (b) of Section 35179, in any policy, program, or activity that is in compliance with state and federal law.

(c) The state law with which the policies of school districts, associations, or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are required to comply, in accordance with this section, includes, but is not limited to, any regulations issued by the State Board of Education pursuant to Section 232 with regard to sex discrimination in interscholastic athletics.

(d) This section shall become inoperative on January 1, 2001, and, as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 35179 of the Education Code is amended to read:

35179. (a) Each school district governing board shall have general control of, and be responsible for, all aspects of the interscholastic athletic policies, programs, and activities in its district, including, but not limited to, eligibility, season of sport, number of sports, personnel, and sports facilities. In addition, the board shall assure that all interscholastic policies, programs, and activities in its district are in compliance with state and federal law.

(b) Governing boards may enter into associations or consortia with other boards for the purpose of governing regional or statewide interscholastic athletic programs by permitting the public schools under their jurisdictions to enter into a voluntary association with other schools for the purpose of enacting and enforcing rules relating to eligibility for, and participation in, interscholastic athletic programs among and between schools.

(c) Each governing board, or its designee, shall represent the individual schools located within its jurisdiction in any voluntary association of schools formed or maintained pursuant to this section.

(d) No voluntary interscholastic athletic association, of which any public school is a member, shall discriminate against, or deny the benefits of any program to, any person on the basis of race, sex, or ethnic origin.

(e) Interscholastic athletics is defined as those policies, programs, and activities that are formulated or executed in conjunction with, or in contemplation of, athletic contests between two or more schools, either public or private.



(f) This section shall become inoperative on January 1, 2001, and, as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

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